



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON FEBRUARY 22, 2022

BATAVIA TOWNSHIP CASE B-02-22ZPD

- APPLICANT:** NVR, Inc.
8622 Jacquemin Drive
West Chester, OH 45069
- OWNER:** Allan M. Claybon Successor Trustee
4151 Taylor Road
Batavia, OH 45103
- REQUEST:** Requesting to rezone parcel 012008E023 consisting of 38.10 acres from I – Industrial District to PD - Planned Development District.
- LOCATION:** The subject property is located at the southern corner of Clough Pike and Taylor Road in Batavia Township. The property is located +/- 1,500 feet south of Sporty’s Drive and the Clermont County Airport.
- ZONING:**
- | | |
|-------------------------|--|
| <u>Existing Zoning:</u> | I – Industrial District |
| <u>North:</u> | I – Industrial District |
| <u>East:</u> | I – Industrial District,
PD - Planned Development District,
R-1 – Single-Family District |
| <u>South:</u> | PD - Planned Development District |
| <u>West:</u> | I – Industrial District,
PD - Planned Development District,
R-1 – Single-Family District |
- LAND USE:** The primary land use of the subject property is agricultural woodland. The properties to the south of the Clough Pike – Taylor Road intersection remain primarily residential. The adjacent property along the southern property line is Forest Glen Subdivision and Glenwood Trails.
- HISTORY:** Currently, no relevant project history exists for the property involved in this petition for zoning map amendment.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

It appears this request for a PD – Planned Development is compatible with the Planned Development regulations within the Township’s Zoning Resolution (Article 36).

A. Objectives for Planned Developments

The Planned Development (PD) District and the associated planning and development regulations as set forth and referred to herein are designed to achieve the following objectives:

- 1. Provide flexibility in the regulation of residential, commercial, and office land development;*
- 2. Encourage a variety of housing and building types, a compatible mix of commercial and residential development and creative site design;*
- 3. Encourage the provision of useful open space, and preservation of valuable and unique natural resources;*
- 4. Provide a development pattern that preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, prevents the disruption of natural drainage patterns, and contributes to the ecological well-being of the community;*
- 5. Promote efficiency through more effective use of land than is generally achieved through conventional residential and/or commercial development resulting in substantial savings through shorter utilities, streets, and other public services, and*
- 6. Provide a residential and/or commercial development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the Batavia Township Growth Management Plan.*

C. Uses Permitted

Any use that is permitted in any zoning district may be approved within a Planned Development provided that the project shall be planned, developed operated in accordance with an approved development plan. Specific uses, structures, and developments shall be properly integrated with the surrounding area in such a way as to promote the health, safety, morals, general welfare, and wholesome environment of the general public and the occupants of nearby property, and to avoid nuisances to the general public or the occupants of nearby property. All uses shall be approved by the Township as part of the development plan review process

D. Recommended Minimum Project Area

It is recommended that the gross area of the tract to be developed under the Planned Development approach shall be a minimum of five (5) acres.

E. Definitions

- 1. “Common Open Space” is a parcel of land or any area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the Planned Development, or consistent with use as described in Section 36.01 H. Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants but shall not include rights-of-way and required private yards;*

2. *“Landowner” shall mean the legal or beneficial owner or owners of all of the land proposed to be included in a Planned Development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this Article;*
3. *“Plan” shall mean the written and graphic submission for a Planned Development, including a Preliminary Development Plan (denoting a prospectus for development), Final Development Plan, a plat of subdivision, all covenants relating to the use, location, and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space, and public facilities;*
4. *“Planned Development” (PD) is an area of land, controlled by a Landowner, to be developed as a single entity for a variety of dwelling units and/or other uses, the Plan for which may not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of the Batavia Township Zoning Resolution; and*
5. *“Professional Consultant” shall mean a person who possesses the knowledge and skills, by reason of education, training, and experience to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental, and design characteristics and implications in order to foster a unified plan for development. The professional consultant maybe, a registered architect, landscape architect, engineer, planner, or equivalent.*

F. Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation or by a group of individuals or corporations. Such ownership maybe by a public or private corporation.

G. Common Open Space

No less than twenty (20%) percent of the gross acreage in any Planned Development shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in “H” of this section. All required open space shall be readily accessible and usable by occupants of the approved development.

H. Disposition of Common Open Space

The required amount of common open space land reserved under a Planned Development shall be held in corporate ownership by owners or the Homeowners Association of the project area for the use of each owner who buys property within the development or under exceptional circumstances be dedicated to the Township, following consent and approval by the Township, and retained as common open space for public parks, recreation, and related uses. All lands dedicated to the Township must meet the Batavia Township Board of Trustees requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar purposes and approved by the Batavia Township Board of Trustees. A Homeowners Association (HOA), or other appropriate management entity for non-residential use projects, shall be established and in place prior to the development of any land within a PD with the open space(s) under their control being denoted on the record plat and identified as “non-buildable” other than for HOA approved uses.

I. Maintenance of Open Space

A Homeowners Association, or other appropriate management entity for nonresidential use projects, shall be responsible for maintenance of open space and other required amenities within the proposed PD. A Homeowners Association shall be established, and the Bylaws and Articles of

Incorporation shall be recorded at the time of approval of the Final Development Plan, prior to issuance of a Zoning Certificate or approval of a record plat.

The Batavia Township Board of Trustees may require a maintenance bond be provided or an escrow account established by the developer for maintenance and upkeep of all common areas until such time as 75% of the lots have been sold.

J. Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement.

K. Planned Development

Planned Developments may be developed following the provisions of L-N of this Section.

L. Minimum recommended Lot Sizes, Setbacks, Building Line Widths, Dwelling Square Footages and maximum recommended Density Levels.

Minimum requirements with respect to lot sizes, setbacks, building line widths, and dwelling square footages shall be duly noted on the record plat. The Township shall evaluate the proposed off-street parking to determine if adequate parking is provided and may require additional improvements if deemed necessary.

- 1. "Single-family". Each lot intended for a single-family detached dwelling is **recommended to have a minimum area of 10,000 square feet and a minimum width at the building line of 75 feet.** Variable setbacks may be granted by the Township if considered appropriate. If not, minimum setbacks shall be:*

- | | | |
|-----------|-------------------|--|
| <i>a.</i> | <i>Front yard</i> | <i>35 feet from right-of-way;</i> |
| <i>b.</i> | <i>Side yards</i> | <i>20 feet total; 5 feet minimum on one side; and</i> |
| <i>c.</i> | <i>Rear yard</i> | <i>30 feet from rear lot line.</i> |

- 2. "Two-family" (No Two-family uses proposed)*

- 3. "Multi-family" (No Multi-family uses proposed)*

- 4. "Non-residential Uses" (No Non-residential uses proposed)*

- 5. The square footage of all dwelling units, attached and detached units, within a PD, shall follow the guidelines established by the Zoning Resolution in effect at the time of issuance of Zoning Certificates unless modifications are agreed upon at the time of PD approval.*

- 6. The total residential density of the PD shall be established on the NET acreage of the residential portion of the PD, excluding any areas of commercial, office, or non-residential use including open space lots. Slopes greater than 20%, existing public right of ways, and existing utility easements shall be subtracted from the total acreage to calculate net density. The total maximum recommended net residential density of PD's shall be 3 D.U.A. (dwelling units per acre). The Township may allow increased density for attached dwelling or multi-family dwellings in a PD if the Township determines that the proposed density will be appropriate for the property and the area and that the proposed design justifies the increase in density.*

B-02-22ZPD RECOMMENDED NET DENSITY

1. *Recommended Maximum Density*
38.10 gross acres (including min. of 20% open space or 7.60 acres)
- 3.16 acres of > 20% slope
- 2.54 acres of existing public rights-of-way and/or utility easements
= 32.4 net acres 32.4 x 3 D.U.A. = 97.2 (max. # of dwelling units)

32.4 net acres – 10.63 acres of open space = 21.77 acres (max. 97 D.U. to be built on max of 21.77 acres)
2. *Proposed Density*
38.10 gross acres (including proposed. of 27.9% open space or 10.63 acres)
- 3.16 acres of > 20% slope
- 2.54 acres of existing public rights-of-way and/or utility easements
= 32.4 net acres 32.4 x 2.99 D.U.A. = est. 97 (proposed # of dwelling units)
7. *Other Development Controls for Non-residential Uses. The following development controls shall be applied to non-residential uses within a PD:*
 - a. *Parking and loading requirements shall be in accordance with the provisions set forth in Article 8 of this Resolution or as approved on the Preliminary or Final Plan.*
 - b. *No outdoor sales or display of any materials shall be permitted in the PD unless approved as a part of the Preliminary or Final Plan.*
 - c. *No lighting shall be permitted which will have unreasonable glare from any use located in the PD onto any street or into an adjacent property. A lighting plan illustrating the proposed location, height, pole and fixture type, design, lamp, and photometric plan shall be approved on the Preliminary or Final Plan.*
 - d. *All business activities permitted within the PD shall be conducted within a completely enclosed building, except for the following:*
 - i. *Off-street parking and loading and/or unloading areas.*
 - ii. *Outside play areas as part of child day care centers, churches, and schools.*
 - iii. *Accessory seating area for eating establishments.*
 - iv. *Open air display areas located on the same lot as the primary permitted uses. Such area shall be clearly identified on the PD plan as “outside display area”.*
 - v. *Fuel Dispensing*
 - vi. *Other activities as approved on the Preliminary or Final Plan.*
 - vii. *Mechanical equipment, whether ground or roof mounted, shall be screened from view from public rights-of-way.*
 - viii. *Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.*
 - ix. *No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.*
 - x. *All waste receptacles shall be contained in an area screened on three sides by a six (6) foot tall solid wood or masonry enclosure. The fourth side is to contain steel enforced wood gates.*
 - xi. *Signage is to be consistent with Article 40 of this Resolution or as approved on the Preliminary or Final Plan.*
 - xii. *Landscaping/Screening shall be as approved on the Preliminary or Final Plan.*

M. *Lots to Have Access to Common Open Space*

Every residential property developed under the Planned Development approach should be designed to easily access common open space or similar areas. Open space areas shall be accessible to all residents and dwelling units and shall be conveniently located in relation to dwelling units. This does not limit the creation or protection of buffer areas not intended for active use. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance. The Township Board may require that natural amenities, such as but not limited to, ravines, rock, outcrops, wooded area, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.

Common open space within non-residential use areas shall be designed to provide maximum benefit to the users of the development and should not be provided in unusable fragments. The design of the open space should create open space areas that are accessible and oriented to pedestrian activity.

N. *Height Requirements*

*It is recommended that heights of principle use structures in the **PD shall not exceed forty (40) feet and that heights of accessory structures shall not exceed 15 feet.***

O. *Street Design*

The design of streets is significant in determining the character of Planned Developments. The following conditions are recommended standards within Planned Developments.

- 1. Streets should have a minimum pavement width of 28 feet for collector streets and 24 feet for local/cul-de-sac streets.*
- 2. Width of private streets are to be reviewed by the Township based on input from the Township fire and maintenance departments, and the County.*
- 3. Parking should be limited to one side of the street, recommended to be located opposite the fire hydrants.*
- 4. Sidewalks should be provided on both sides of public streets.*
- 5. The Township shall evaluate the proposed off-street parking to determine if adequate parking is provided and may require additional improvements if deemed necessary.*
- 6. Landscape islands and/or irrigation systems proposed in public rights-of-way shall be reviewed and approved by the Township, including the Township Service Director and Fire Department.*
- 7. Planting of trees within public rights-of-way shall not be permitted unless approved by the Township. Planting of trees on proposed private lots are encouraged at the rate of one (1) tree per lot in the front yard, and two (2) trees for corner lots*

Batavia Township's 2018 Growth Policy Plan, specifies this area of the Township as "Existing Neighborhood & Infill Area".

Existing Neighborhood And Infill Area:

The Existing Neighborhood and Infill Areas identify locations within the Township where existing subdivision-type residential development has occurred. This land use category also identifies Infill Areas, property adjacent to or in close proximity to existing subdivision-type neighborhoods. Future residential development in Batavia Township should be guided to the areas designated as Existing Neighborhood and Infill Area to take advantage of existing public services and roads to be compatible with the current subdivision pattern developing in these areas.

The Existing Neighborhood areas have developed based on a combination of residential zoning classifications over the years, and lot sizes vary. The predominant density of existing single-family neighborhood development in these areas is generally between 2 and 3 lots per acre. There are locations within this land use area that include single-family homes on parcels of land that are several acres in size, which are not within subdivisions. There are also some subdivisions that have developed with lot sizes larger than 1 acre under Agriculture District zoning regulations. However, the predominant development pattern in this concept area is subdivision-type neighborhoods.

This land use category includes some attached single-family developments created as part of Planned Development zoning projects, and multiple family apartment developments, demonstrating that the residential density varies. There are several schools, churches, and other public or institutional uses within these areas. Public water and sanitary sewer service are generally available within the areas designated for this land use category, although infrastructure improvements may be required to service future development.

Future Development Policies

- *Allow residential development that is consistent with the densities of existing neighborhoods in the planning area – generally, 2 to 3 dwelling units per acre for single-family detached development and 8 to 10 dwelling units per acre for multiple families or attached single-family development in planned developments.*
- *Encourage the use of planned development zoning regulations for residential development within the Existing Neighborhood and Infill Areas. The use of planned development regulations provides an opportunity to achieve superior site design within neighborhoods, while potentially protecting stream corridors, steep slope areas, and other sensitive terrain as part of protected open space within the neighborhood. The quality of the design, the amenities offered by the project, the amount and location of open space, and the protection of sensitive areas are all important elements for consideration when the Township evaluates planned development requests and can be instrumental features when determining appropriate density levels.*
- *Allow non-residential uses that are compatible with neighborhood development, such as schools, churches, and similar institutional uses.*
- *Encourage the development of a hike/bike trail system to coordinate access between neighborhoods and community facilities, and to integrate with neighborhood pedestrian walkways.*
- *Require traffic impact studies in conjunction with the County Engineer's Office for proposed development to identify proposed improvements that may be required to mitigate the impacts of the proposed development.*
- *Encourage dedication of land for future park and recreational uses.*

This request for a zoning map amendment falls within the overall future development policies stated in Batavia Township's 2018 Growth Policy Plan: Existing Neighborhoods and Infill Area, and its vision for residential development to take advantage of existing public services and roads. The proposed density of the development is compatible with the current subdivision patterns developing in this area.

SITE ACCESS:

The proposed site access would be from Clough Pike (North/South) and Clough Pike (East/West). All proposed lots would be provided legal frontage on the four proposed 50' foot rights-of-ways (*Road A, Road B, Road C, and Road D*). All proposed road names shall be reviewed by the Clermont County Engineer's Office for duplicate or nearly duplicate names (per Article V, Section B8).

DEVELOPMENT PROPOSAL:

Per the application, the proposed PD development is to develop 97 single-family residential lots on 38.096 gross acres (32.4 net acres) with 10.63 acres (27.9%) of proposed open space, with an overall project density of 2.99 dwelling units per acre.

DEVELOPMENT DATA:

Batavia Township Case: B-02-22ZPD

Parcel Number: 012008E023

Current Zoning/Density: I – Industrial District (Non-Residential)

Proposed Zoning/Density: PD – Planned Development (2.99 units/acre)

Lot Yield: 97

Total Gross Area: 38.096 acres

Area in Open Space: 10.63 acres (27.9%) **Min. Lot Area:** 7,500 Sq. Ft. (.1722 acres)

Min. Lot Width: 60 Feet

Front Yard Setback: 25 Feet

Side Yard Setback: 5' min. 15' Total

Rear Yard Setback: 25 Feet

School District: Batavia Local School Districts (Batavia LSD)

STAFF ANALYSIS:

The proposed PD development would permit the applicant to develop 97 single-family residential lots on approximately 38.096 gross acres. The PD development proposes a net density of approximately 2.99 dwelling units per acre. The proposed density falls below the recommended maximum of 3 dwelling units per acre under *Batavia Township Zoning Resolution Article 36: PD – Planned Development District*.

However, the development is situated in an area of the township adjacent to other existing planned developments, such as (*Forest Glen Subdivision & Glenwood Trails*). The proposed PD development requests a density of 2.99 dwelling units per acre and is higher than surrounding residential developments.

Forest Glen Subdivision is a residential community located directly to the southeast of the proposed project site and is currently zoned PD – Planned Development which requires a minimum lot size of (10,000 sq. ft.) and has an existing net density of 2.78 dwelling units per acre.

Glenwood Trails is a residential community located directly to the southeast of the proposed project site and is currently zoned PD – Planned Development which requires a minimum lot size of (10,000 sq. ft.) and has an existing net density of 2.70 dwelling units per acre.

The PD development addresses these differences by the subdivision layout. Several of the proposed lots have been made larger when impacting the adjoining residential lots. However, there are proposed lots (62 - 65) that are abutting existing lots (5 & 6) within *Glenwood Trails* without significant buffering and could negatively impact the adjoining landowner. A designated “no clear” buffer zone is highly recommended for the back of lots (60 - 68).

Details regarding the specifications for the buffering have not been provided at this time. A more detailed review of the proposed landscaping and buffering will be reviewed during future phases of development. In addition to the buffering between the adjoining land uses, there are several open space lots situated throughout the development that provide some protection to the existing watercourse. This watercourse is classified as a “Riverine” (R4SBC) and collects water from the lands to the north and flows southeast through *Forest Glen Subdivision and Glenwood Trails*. The creation of a Homeowners Association would maintain all the proposed open spaces and proposed stormwater detention structures.

Pedestrian circulation would be provided by sidewalks along both sides of all dedicated rights-of-ways within the development. A walking path has been shown on the PD development connecting the proposed open spaces along with a connection along Clough Pike. Though pedestrian circulation has been proposed on internal streets the PD development does not show sidewalks proposed the entire distance the property abuts the public streets. Per Article 8, 8.02(Q)(2)

Overall, the development plan appears to follow all *Clermont County Subdivision Regulations* pertaining to Article V and conform with the regulations under “PD” Planned Development within the Township’s Zoning Resolution.

CLERMONT COUNTY AIRPORT ZONING REGULATIONS :

Section 4: Use Restrictions

- *Notwithstanding any other provisions of these Regulations, no use may be made of land or water within any zone established by these Regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the airport, **create bird strike hazards**, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft or in any other manner constitute an airport hazard to anyone intending to use the airport.*

TOWNSHIP ZONING RESOLUTION HIGHLIGHTS:

Article 8, 8.02 (Q)(2) “Sidewalks”

- *Sidewalks shall be required for all new developments whenever the parcel has frontage on a public street. **In the case of frontage on a public street, the sidewalk shall be constructed the entire distance the property abuts the street.***

Article 36, 36.01 (L)(1) “Single-Family”

- *Each lot intended for a single-family detached dwelling is **recommended to have a minimum area of 10,000 square feet and a minimum width at the building line of 75 feet.** Variable setbacks may be granted by the Township if considered appropriate. If not, minimum setbacks shall be:*
 - a. *Front yard* **35 feet from right-of-way;**
 - b. *Side yards* **20 feet total; 5 feet minimum on one side; and**
 - c. *Rear yard* **30 feet from rear lot line.**

Article 36, 36.01 (N) Height Requirements

- *It is recommended that heights of principle use structures in the **PD shall not exceed forty (40) feet and those heights of accessory structures shall not exceed 15feet.***

Clermont County Community & Economic Development Comments:

- Sidewalks shall be required for all new developments whenever the parcel has frontage on a public street. In the case of frontage on a public street-side shall be constructed the entire distance the property abuts the street. (Article 8, 8.02 (Q)(2))
- Highly recommend providing a buffer by way of implementing a 10 foot “no-clear limit” creating natural buffering of existing trees along the property boundary abutting existing residences.
- The proposed development needs to conform to all standards and regulations found under Article V, of the Clermont County Subdivision Regulations.
- All proposed public streets need to be designed with the minimum rights-of-way width for residential local streets per the recommendation of the Clermont County Engineer’s Office, and further shall conform to the requirements of the Subdivision Street Design and Construction Standards for Clermont County.

Clermont County Engineer’s Office Comments:

- No objections or comments at this time.

Clermont County Water Resources Department Comments:

- The plans will need to demonstrate how Section 4 of the Clermont County Airport Zoning Regulations will be satisfied.
- The heights of the proposed buildings will need to be provided to show conformity to the height restrictions per the Clermont County Airport Zoning Regulations.
- Water Resources prefers a gravity sewer over a lift station to provide sewer service to the subdivision.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **RECOMMEND APPROVAL** of Batavia Township Zoning Map Amendment Case B-02-22ZPD requesting to rezone parcel 012008E023 consisting of 38.10 acres from I – Industrial District to PD - Planned Development District with the following conditions:

1. Provide sidewalks the entire distance of the property that abuts a public street (*Clough Pike*) Per Article 8, 8.02 (Q)(2)
2. Provide a buffer by way of implementing a 10 foot “no-clear limit” creating a natural buffering of existing trees along the property boundary abutting existing residences.
3. Demonstrate on the PD plans how Section 4 of the *Clermont County Airport Zoning Regulations* are to be satisfied.

STAFF RECOMMENDATION: CONT.

4. Provide proposed building heights on the PD plan, showing conformity to the height restrictions per the *Clermont County Airport Zoning Regulations*.
5. A gravity sewer over the proposed lift station is preferred by the Clermont County Water Resources Department.
6. The proposed development will be required to conform to all standards and regulations found under Article V, of the *Clermont County Subdivision Regulations*.
7. All proposed public streets will be required to be designed with the minimum rights-of-way width for residential local streets per the recommendation of the Clermont County Engineer's Office, and further shall conform to the requirements of the *Subdivision Street Design and Construction Standards for Clermont County*.